

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JEREMY P. SPENCER §
VS. § CIVIL ACTION NO. 1:16-CV-95
VANESSA ARDOIN, ET AL. §

ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORTS AND RECOMMENDATIONS

Plaintiff Jeremy P. Spencer, a prisoner confined at Jefferson County Correctional Facility, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Vanessa Ardoin and Officer Jones.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends granting plaintiff's motion to dismiss the claims against Officer Jones. The Magistrate Judge also recommends dismissing the action pursuant to 28 U.S.C. § 1915(e).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff does not object to the dismissal of Officer Jones, but he has filed objections to the Magistrate Judge's Report recommending dismissal of the action.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See FED. R. CIV. P. 72(b)*. Plaintiff's claim that he was denied access to legal materials to research his criminal case lacks merit because he was represented by counsel. *Dickson*

v. Fort Bend County, 325 F. App'x 389, 390 (5th Cir. 2009). After careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, plaintiff's objections (document no. 17) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the reports of the Magistrate Judge (document nos. 14 and 15) are **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So Ordered and Signed

Mar 10, 2017



Ron Clark, United States District Judge